IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1790 OF 2004
IN
APPEAL NO.385 OF 2004
IN
WRIT PETITION NO.1171 OF 2002

Shangrilla Food Products Ltd. .. Appellant.

V/s.

Sumersingh Shekhawat & Ors. .. Respondents.

Mr.J.P. Cama, Senior counsel with P.H. Purav and Ms.N.R. Patankar i/b. V.P. Sawant for the appellant.
Mr.A. Shaikh i/b. S. Udeshi & Co. for the respondents.

CORAM : R.M. LODHA, &
J.P. DEVADHAR, JJ.

DATED : 11TH AUGUST, 2004.

P.C. :

. Heard Mr.J.P. Cama, the learned senior counsel for the appellant and Mr.A. Shaikh, the learned counsel for the respondents.

2. Though the appeal has been admitted, in our considered view it would be in the fitness of things if the appellant-company leads evidence before the Labour Court as per the directions contained in

para 38(4) and (5) of the order of the Industrial Court, Mumbai passed on February 22, 2002. This is necessary to save the time if ultimately the appeal fails. However, the interest of the appellant shall be safeguarded if the direction is given to the Labour Court not to pass the order afresh until disposal of the present appeal.

3. We, accordingly, dispose of the notice of motion by following order.

i) The 4th Labour Court, Thane may record evidence that may be led by the appellant-company to prove the charges levelled against CSW-1 and CSW-2 and also record evidence of the complainants as per the liberty granted by the Industrial Court, Mumbai in its order dated February 22, 2002. However, the 4th Labour Court shall not pass any fresh order until disposal of the appeal.

ii) Liberty to the respondents to apply for early hearing of the appeal as soon as recording of evidence of the parties is completed by the 4th Labour

Court, Thane pursuant to the directions contained in para 38(4) and (5) of the order of the Industrial Court dated February 22, 2002.

4. Parties may be provided ordinary copy of this order duly authenticated by the Court Associate on payment of usual copying charges.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)